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Annual Report Of The South Dakota Unified Judicial System

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South Dakota Unified Judicial System

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Administrator

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The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

I respectfully submit herewith the annual report of the Unified Judicial System for 1983. Activities generally covered are those for calendar year 1983, with statistical information for fiscal year 1983 (July 1982 through June 1983). In addition to the usual descriptions of offices and functions, the publication this year includes a number of tables and graphs that illustrate trends in cash receipts and caseload during recent years.

We acknowledge our appreciation to the clerks of court and court services officers throughout the state, who submitted most of the data herein, and to the staff personnel who cooperated in the compilation and publication of the report.

Respectfully submitted,

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT

Hon. Robert E. MORGAN	Hon. Roger L. WOLLMAN	Hon. Jon FOSHEIM	Hon. Francis G. DUNN	Hon. Frank E. HENDERSON
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
Fourth District	Fifth District	Third District	Second District	First District

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The South Dakota Unified Judicial System: 1983

The Unified Judicial System of South Dakota was implemented in 1975, after being established by a statewide vote of the people. It was designed to improve the efficiency and accountability of the courts, while promoting more responsive management procedures and more effective communications in the state court structure. The establishment of the Unified Judicial System integrated all of the varied and previously fragmented components of the county courts into a single unified administrative structure. This structure today includes the lay magistrates, law-trained magistrates, court-services personnel, clerks of court, circuit court administrators, judges, presiding judges, the State Court Administrator, Supreme Court Justices, and the various support staff for all of these.

The advantage of enhanced management efficiency in the new system has substantially improved the quality, availability and accuracy of statewide court records, particularly in criminal cases. The data transfer process, however, still requires further refinement in providing support for criminal records of other agencies such as the Division of Criminal Investigation and the Department of Public Safety.

In addition to improved efficiency, the unified system promotes greater uniformity in the operation of courts throughout the state, and their procedures. In the years since 1975, uniformity in accounting and office procedures in clerks' offices has been developing at a very acceptable rate. There are still some weaknesses in uniform civil case reporting, but impressive strides were made this year in the establishment of statewide procedures and forms for civil case judgments, transcripts, and executions.

The unified structure has also provided an improved communications framework, with the State Court Administrator functioning as coordinating office, within which the judges can be informed of the processes and procedures in operation in courts throughout the state. Through such communications, they have the benefit of knowing that their sentencing and other courtroom procedures are reasonably comparable with the activities of other courts state-wide. Decisions involving proper compensation of court-appointed attorneys, acceptable formulae for child support payments, and improved uniformity in sentencing for DWI offenders might be cited as examples.

In relation to the above, the UJS also provides a more efficient structure through which the judges and other personnel of the system may participate in decisions involving court policy issues. Through such participation, they may gain pertinent information, and contribute valuable professional insight into the decision-making process. This is especially true with reference to issues of court-related legislation. The State Court Administrator's office, located in the State Capitol, is available to track legislation in which the courts have an interest, for the purpose of exchanging relevant information with judges and other court

personnel, and to provide testimony in support of the judiciary's position on such legislation.

The legislative branch, also, has a reciprocal interest in the cooperative exchange of information with the court system. In the creation of many new laws (e.g., criminal statutes and those involving juvenile problems) there is a need for coordination of goals and policies, particularly as these involve the judiciary. In the 1983 legislative session, for example, laws were passed involving closed court testimony in child abuse cases, and allowing videotape testimony in certain sex crime prosecutions. There is obviously a need in the passage of such legislation for the consultation and cooperation of the judicial system.

The Unified Judicial System in such matters provides an effective process for coordination of information into the other branches of South Dakota government. The executive agencies, under direction of the Governor and the Attorney General, are responsible for the investigation and prosecution of crimes, so there is a need for communications and understanding between these agencies and the courts. In the handling of juvenile cases, for example, the prosecution is the responsibility of the executive branch, but the sentencing and rehabilitation of the offender is very much a matter for the concern of the courts.

Also, because the governor is responsible for the appointment of judges in the event of a vacancy, he shares the concern of the judicial system in the development of an appropriate process for judicial selection. The UJS provides a vehicle by which these joint concerns can be discussed, and policy can be coordinated among the appropriate offices in the Capitol.

Considering all of the above, it seems clear that the Unified Judicial System, in the years since 1975, has provided a service to the courts beyond promoting uniformity in administrative forms and procedures. Because of the channels of communication it has provided to the personnel within the courts and other interested offices, and the inter-agency coordination that has been furnished by the State Court Administrator, the UJS has contributed substantially to judicial participation in the development of court-oriented government policy in the state.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed (according to Constitutional Amendment passed in 1980) and subject to electoral approval every eight years. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed in most counties by the clerk of court. A training program is provided by the State Court Administrator's Office.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept guilty pleas, conduct trials for petty offenses and uncontested civil cases involving damages of $2000 or less.

Law-Trained Magistrate:

Licensed attorney appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000 or less, and small claims actions.

The Court Structure

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota functions essentially as a structure of two levels. The Supreme Court of the state furnishes administrative leadership and functions as the appellate court. The circuit court level employs courts of limited jurisdiction to assist in certain types of court action. The circuit courts are the courts of general jurisdiction.

Magistrate courts, employed as part of the circuit court structure, assist in certain types of court action and have limited concurrent jurisdiction. Circuit court judges may serve in the magistrate courts, and the magistrates may be perceived as assisting the circuit courts in managing the caseload by dealing with those actions deemed less serious. With the exception of small claims judgments, from which there is no appeal, decisions of the magistrate courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

Supreme Court

The South Dakota Supreme Court is the state's highest appellate court, and functions also as the administrative control for the judicial and legal system. It is comprised of the chief justice and four associate justices, all of whom must be licensed to practice law in the state. There is no formal age requirement, but there is a statutory requirement that the justices retire shortly after age seventy. A retired justice, if he agrees, may be called back into judiciary service in any of the state's courts.

The original jurisdiction of the Supreme Court extends to issues involving interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are in some way directly involved, or when ordinary jurisdictions and remedies are inadequate to give relief.

The term of court for the Supreme Court extends the full calendar year. The sessions are held in the State Capitol or in such cities, or on such college campuses, as the Supreme Court may specify by court order.

The present members of the Court were elected, one from each of five districts in the state, for a term of eight years. The drawing on page 5 illustrates the boundaries of the five Supreme Court appointment districts. The terms are alternated in order to maintain continuity. In districts four and five, justices were elected for eight year terms beginning in 1977; in districts one, two and three, the eight year term began in 1979. In the future, under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court will be filled by Governor's appointment from a list of candidates nominated by the Judicial Qualifications Commission. All justices will stand for state-wide retention election, unopposed. For newly appointed justices, the election will be held at the next general election following the third year after appointment; for incumbent justices, at the end of their existing term, and for all, thereafter, every eighth year.

The Supreme Court, in its role as the state's highest tribunal, in addition to its original and appellate jurisdiction, performs several valuable administrative functions for the government and people of the state. The justices serve primarily as a court of appellate jurisdiction, having power to hear appeals from case decisions of the circuit courts. They also have a limited power to render advisory opinions

to the Governor, at his request, on issues involving the exercise of his executive power.

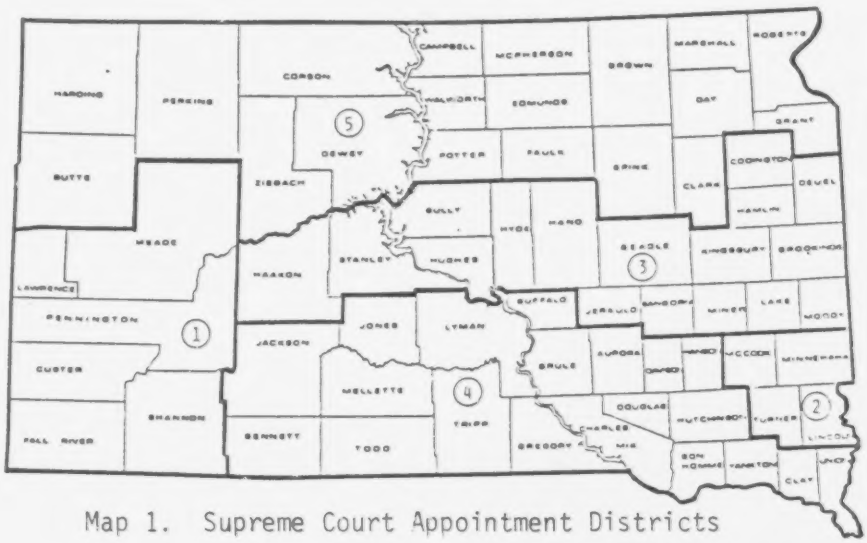
The appellate function, by which the Court hears appeals from decisions of lower courts, constitutes the bulk of the Court's workload. This is one method by which adherence to accepted principles of justice is maintained in the court processes of the state. It is, however, only one of the ways in which the Supreme Court serves the pub.ic.

For example, The Court is responsible for supervising the licensing and disbarment of attorneys, and professional ethical conduct of attorneys and judges in the state. This requires that the justices provide appropriate guidelines and hold disciplinary hearings to maintain professionalism in the conduct of the legal and judicial community.

The rule-making power of the Supreme Court also includes control of lower court practice and procedure, and terms of court. These rules promulgated by the Supreme Court become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes modification of the number of circuit court judges and boundaries of circuits, and general administrative supervision of the Unified Judicial System. Orders by the Supreme Court recently include several related to the appointment of magistrates, an extensive change in the personnel rules, appellate procedure changes, and a circuit-boundary change.

Beyond these functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The court also establishes rules for effective administrative policy in the system, such as regulations on



Map 1. Supreme Court Appointment Districts

The five districts established by the 1982 legislature, from which the Supreme Court Justices are appointed, are shown in the above map. Justice Frank Henderson is from the first district; Justice Francis Dunn from the second; Chief Justice Jon Fosheim from the third; Justice Robert Morgan from the fourth; and Justice Roger Wollman from the fifth.

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travel by members of the judicial branch, and training policy.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. Also, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised through the power of the Chief Justice as specified in SDCL 16-2-20, which provides extensive authority to take any necessary action to ensure the efficiency of the judiciary process. He is assisted in this function by the State Court Administrator's Office.

Statistical data for Supreme Court activity is presented below.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1980	FY 1981	FY 1982	FY 1983
FILINGS	341	326	363	406
Appeals	273	261	300	317
Intermediate Appeals	28	27	28	38
Original Proceedings	20	22	19	17
Notice of Review	15	12	11	30
Miscellaneous Filings	5	4	5	4
DISPOSITIONS	346	361	372	399
Opinions/Cases	173/202	238/269	190/228	212/248
Orders of Dismissal/Cases	92/94	50/55	72/78	84/84
Orders of Denial	31	34	42	31
Miscellaneous	19	3	6	13
Expedited Appeals Granted			18	23
PENDING CASES (as of 6-30)	290	262	260	276
Submitted and Pending	118	88	89	82
Ready for Submission	57	66	45	50
Not Ready for Calendar	114	107	125	137

Table 1. Supreme Court Caseload Compared by Fiscal Year

The information on the table above is presented graphically on the bar chart shown on the following page. In the table, "intermediate appeals" are appeals from circuit court judgments or orders that are not final and not appealable of right. A "notice of review" is filed by an appellee when he seeks review of any judgment or order entered in the same action in which an appeal has been taken. A notice of review is a separate filing and a separate disposition.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on certain established grounds set forth in SDCL 15-26A-87.1. A motion for affirmance is filed by an appellee, a motion for reversal is filed by an appellant, and the Court, on its own motion, may either affirm or reverse the judgment or order from which appeal is taken. The term "expedited appeals" is used because it usually takes less time to process appeals under this statute. The Court must be unanimous in its decision to render a summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main subcategories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only the written decision of the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are place in the "Not Ready for Calendar" category.

In the bar chart, cases "Submitted and Pending"are shown as "pending". The category of "Ready for Submission" is shown as "ready."

The data shown in the chart illustrate that the appellate demands on the Court, and its productivity, are both increasing at a steady rate. The employment of a staff attorney to assist in the preparation of cases during the past two years has contributed to the increased productivity. The result of this is that the gradual increase in filings has been matched by an increase in dispositions so that the two relevant types of pending cases--those awaiting Court disposition and those awaiting hearing--demonstrate a combined reduction over the years.

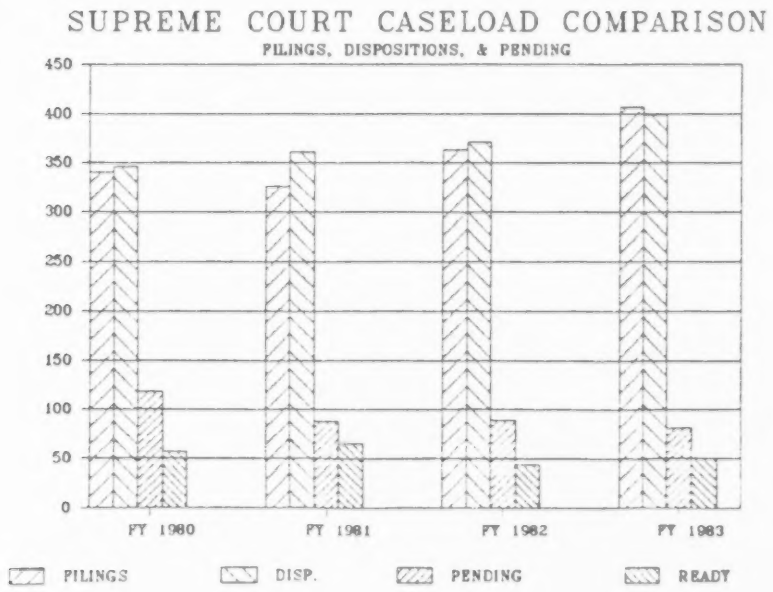

Chart 1. Supreme Court Caseload Comparison

Circuit Court

The circuit courts are the trial courts of general jurisdiction. The circuit court judges have original jurisdiction in all cases and proceedings, except those reserved to the Supreme Court. Appeals from decisions of the magistrate court division are heard by the circuit court. The circuit court judges are elected at large from within their respective circuits for a term of eight years. The thirty-six judges and the law-trained magistrates from the eight circuits, in office at the end of fiscal year 1983, are listed on page 11. A map showing circuit boundaries is presented below.

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.
2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel performance in the judicial circuit.
5) Arranging for the availability of circuit judges in each county according to statute.

In the map below, the eight judicial circuits of the state are designated. The judges and law-trained magistrates for each circuit are listed on page 11.

Map 2. Judicial Circuits and Counties

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Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. The exclusive criminal jurisdiction of the circuit court involves arraignment and trial of all felony cases. The exclusive civil jurisdiction of circuit courts includes cases involving 1) dispute of title or boundary of real property, 2) divorce or annulment of marriage, 3) probate, guardianship, and settlement of estates, 4) juvenile proceedings, and 5) civil disputes in which damages claimed are in excess of $2,000.00. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

Magistrate Courts

In addition to the circuit courts, South Dakota law provides for courts of limited jurisdiction. The magistrate court division assists the circuit courts in handling misdemeanor criminal cases and minor civil actions. In so doing, the magistrate division makes the judicial system accessible to more of the public, providing direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. The law-trained magistrates are appointed by the presiding judge to a four-year term upon approval by the Supreme Court. As is apparent from the list presented on page 11, a substantial number of these positions are filled by part-time personnel.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims disputes.

The lay magistrates may accept guilty pleas and impose fines in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. They may also set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to perform marriages, administer oaths and take depositions, issue warrants for arrest or search, and adjudicate uncontested small claims and other civil disputes involving amounts of $2,000.00 or less. The table on page 15 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. Almost all the lay magistrates are also clerks of court. There were, in 1983, 16 part-time lay magistrates, and one full-time, who were not clerks of court.

Presiding Judges' Meeting

Approximately every two months throughout the year, the eight presiding judges meet with the State Court Administrator and the Chief Justice. Through these meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the

judicial circuits. These conferences also provide an opportunity for members of the executive and legislative branches of state government to meet with the judicial personnel responsible for the implementation of operations at the circuit court level, in order to discuss issues of mutual concern.

During the year, the presiding judges agenda included discussions and recommendations regarding court services personnel and procedures, court reporter transcript fees, jail sentences imposed by lay magistrates, changes in the schedule of fines for vehicle violations, collection of small claims judgments, new docketing processes for civil judgments, salary policy for judicial employees, and supervision of juveniles released from the state training school. They also listened to presentations from various agency heads from the executive branch, including the Attorney General and the Director of the highway patrol.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate legislative and policy changes.

This year, the conference made extensive recommendations for Supreme Court Rule or legislative action regarding uniform sentencing for DWI offenders, modification of the time of imposition of sentence, clarification of burglary statutes, and expansion of jurisdiction for lay magistrates. There was also an extensive discussion and resulting recommendations for proper procedures for appointment of counsel for indigent criminal defendants, and some suggested modifications in the provisions for training programs for judges and magistrates.

Judicial Qualifications Commission

This commission, created by Article V, Section 9 of the South Dakota Constitution, and supporting statute (SDCL Chapter 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote policy continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

The Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates two or more of the most qualified to the Governor, who in turn appoints a person to fill the vacancy.

Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley 1-3-83
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.

SECOND JUDICIAL CIRCUIT, Judges:
*Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Kean, Gene Paul
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale E.
Evans, Vernon C.
Martin, Eugene L.
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

Law-Trained Magistrates:
Gullickson, Larry 3-1-83
Jones, Rolland

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall M.
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Jones, Rolland
Sage, Doyle 8-15-83

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo (ret. 6-17-83)
*Ramynke, Mildred D.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James 8-15-83

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrate:
Lee, Thomas 6-6-83

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B., Jr.
*Young, Marshall P.

Law-Trained Magistrate:
Klauck, Jack
Viken, Linda Lea 2-18-83

EIGHTH JUDICIAL CIRCUIT, Judges:
Johnson, Warren
*Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Mueller, Walter

* Indicates presiding judge
** Indicates full-time magistrate

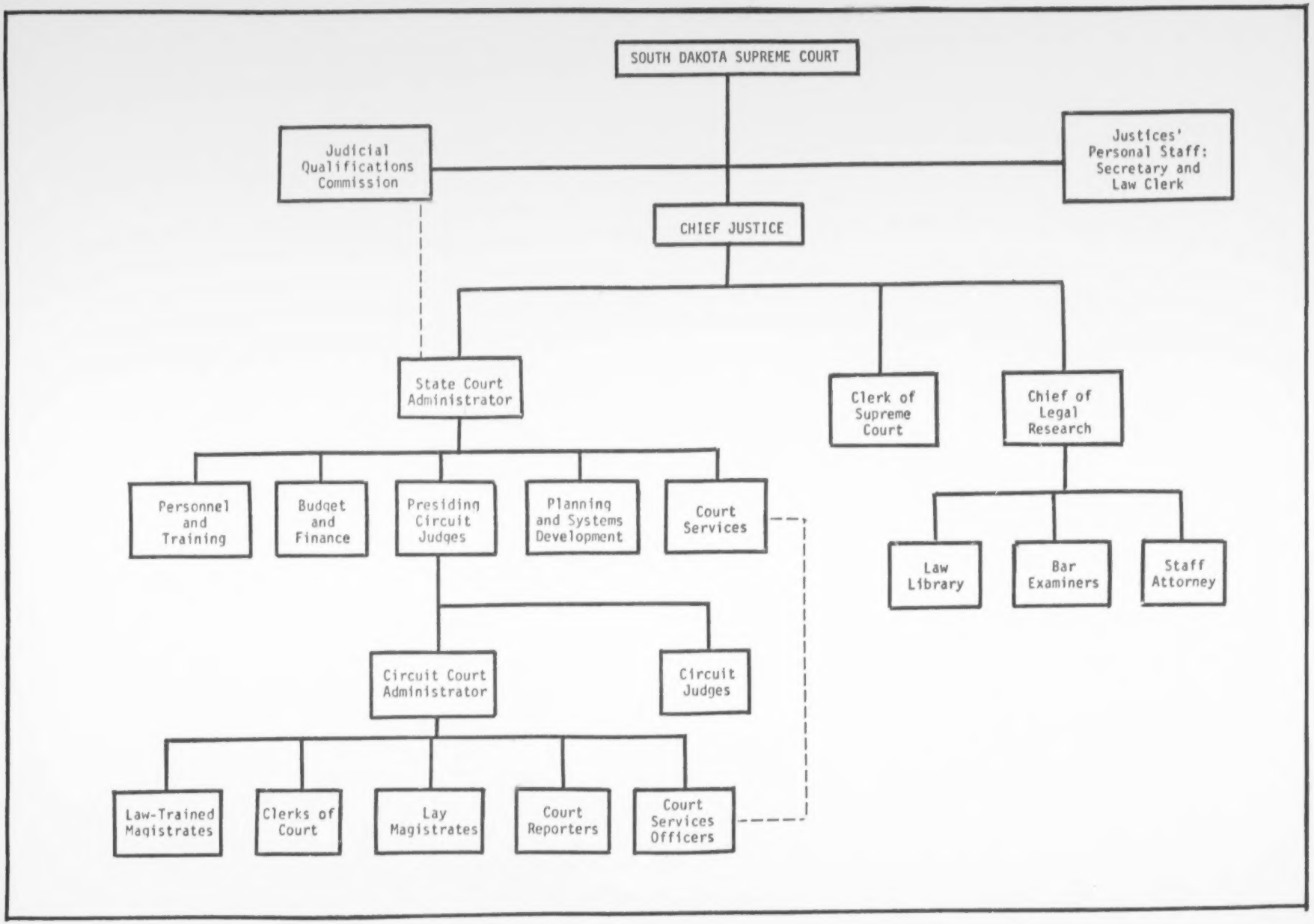


Table 2. Organizational Chart for the Unified Judicial System

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required in the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The Clerk performs important organizational functions to assist the Chief Justice in facilitating the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this permanent position performs a number of functions:

1) As executive secretary of the bar examiners, the chief of legal research assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, this office is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.
3) The chief of legal research also coordinates the staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative direction and support services to the Unified Judicial System. In addition to these management and policy functions, there are four major sub-divisions of the office, each operating within its own sphere of administrative activity.

The personnel and training division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including mandatory professional development programs for judges. The personnel and training office is also responsible for the revision of personnel rules, and coordination of activities involved in advertising open positions, and recruiting new personnel for the judiciary.

The budget and finance division is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory, and the creation of new forms and accounting procedures for the Unified Judicial System.

The division of planning and systems development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and the preparation of research reports. This year, the division is implementing a magistrate docketing/accounting system for the second circuit, and is testing the use of microcomputer equipment for possible use in the court system.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the development and coordination of all statewide activities directly related to the program of court services officers.

Responding to the directive of the Supreme Court, court services officers during the year began performing divorce custody and step-parent adoption evaluations and reports for the circuit court judges. Additionally, in selected cases, court services officers perform divorce custody visitation monitoring services for the circuit courts. A task force composed of court services officers and the Director of Court Services developed the procedures necessary to carry out the newly created policies.

Also, at the direction of the Court, court services personnel completed an evaluative review of all youth served by the Unified Judicial System's Alternative Care Program during the previous five years. The study, designed and implemented by a court services officer task force, culminated in a report titled Juveniles, Services and Dollars: Analysis of South Dakota's Alternative Care Program, Fiscal Year 1978 Through Fiscal Year 1982. The study recommended specific program guidelines and recommendations which were adopted for implementation by the Chief Court Service Officers' Council, the Presiding Judges' Conference and by the Supreme Court.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting, and statistical reporting responsibility. Presently, only the Second and Seventh Judicial Circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, and perform record-keeping and filing functions for the courts. They also assist and inform the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. In addition, the clerk of court functions as the lay magistrate in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator periodically to discuss the needs and problems of clerks' offices, and to suggest solutions.

The table below details the number of persons in various categories of clerk-magistrate and lay magistrate positions, full-time and part-time, by circuit.

Table 3. Clerk-Magistrate Staffing by Circuit

Clerk-Magistrate Staffing									
CIRCUIT:	1	2	3	4	5	6	7	8	TOTAL
FULL-TIME									
Court Clerk-Magistrate	9	2	11	10	7	11	1	4	55
Court Clerk (not magistrate)	0	0	0	0	0	0	3	0	3
Deputy Court Clerk	8	15	6	0	6	0	16	1	52
Deputy Court Clerk-Magistrate	1	0	6	8	3	4	0	5	27
Other*	0	5	0	0	0	1	2	0	8
PART-TIME									
Court Clerk-Magistrate	0	0	0	1	1	2	0	4	8
Deputy Court Clerk	7	0	3	5	5	1	1	1	23
Deputy Court Clerk-Magistrate	0	0	4	1	0	10	0	6	21
Lay Magistrate	4	1	0	0	0	5	4	2	16

*Accounting Clerk, Microfilm Machine Operator, Lay Magistrate

Court Services Officer

The primary duties of the court services officers include 1) conducting presentence and juvenile prehearing investigations, 2) generating the appropriate reports and recommendations resulting from those investigations, 3) providing juvenile diversion, probation, and family treatment services, 4) coordinating and receiving restitution payments, 5) supervising probation assignments as ordered by the courts, and 6) organizing and coordinating foster care and residential group care services for juveniles.

Coordinating the activities of the court services officers are the chief court services officers, one of which is appointed in each judicial circuit. These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter may also provide secretarial services for the judge.

Table 4. Staffing Allocations by Judicial Circuit

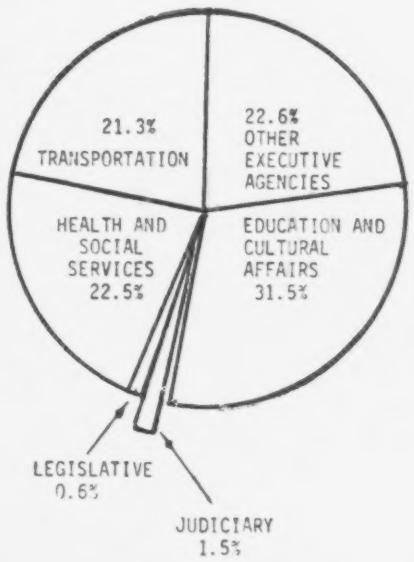
	CIRCUIT JUDGE	LAW TRAINED MAGIS-TRATE	LAY MAGIS-TRATE	COURT RE-PORTER	LAW CLERK	COURT ADMIN-ISTRA-TOR	COURT SER-VICES OFFICER	SEC-RETARY	CLERK OF COURT	DEPUTY CLERK	BAIL-IFF	TOTAL
FIRST CIRCUIT	4.0	2.0	0.6	4.0	0	0	7.0	3.0	9.0	13.2	0.3	43.1
SECOND CIRCUIT	5.0	2.0	1.0	7.0	2.0	1.0	12.0	6.0	2.0	19.0	4.5	61.5
THIRD CIRCUIT	6.0	0.5	0	6.0	1.0	0	8.0	4.0	11.0	15.8	0.3	52.6
FOURTH CIRCUIT	4.0	1.0	0	4.0	0	0	6.0	3.0	10.4	9.2	0.4	38.0
FIFTH CIRCUIT	4.0	1.8	0	5.0	1.0	0	5.0	3.0	7.6	11.0	0.3	38.7
SIXTH CIRCUIT	5.0	0	2.1	5.0	1.0	0	5.5	2.5	12.6	8.4	0.4	42.5
SEVENTH CIRCUIT	5.0	1.6	1.3	6.0	1.0	1.0	9.0	5.0	4.0	18.5	0.9	53.3
EIGHTH CIRCUIT	3.0	2.0	0.8	4.0	0	0	4.0	2.0	6.7	8.5	0.4	31.4
TOTAL	36.0	10.9	5.8	41.0	6.0	2.0	56.5	28.5	63.3	103.6	7.5	361.1

STAFFING ALLOCATIONS

Because many of the positions filled in the Unified Judicial System are part-time positions, the staffing data is represented as full time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). The data for fiscal year 1983 reflects an increase of about 5 FTE, mostly in the category of deputy-clerk positions.

Along with this increase, a half-time law trained magistrate position was added in the sixth circuit.

Table 5. State Budget Allocation



AGENCY		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation		$174.4	21.3
Education and Cultural Affairs		217.4	31.5
Health and Social Services		155.8	22.5
Other Executive Agencies:			
Charities and Corrections	$37.8		
Labor	19.5		
Executive Management	19.5		
Game, Fish and Parks	16.9		
Public Safety	11.8		
Other	50.7		
Total, Other Executive Agencies		156.2	22.6
Legislative		3.8	0.6
Judiciary		10.6	1.5
TOTAL		691.2	100.0

Financing the Unified Judicial System

The Unified Judicial System of South Dakota is financed by a combination of state, county, and municipal funds. The state has the responsibility for funding the operations of the Supreme Court, the State Court Administrator's Office, circuit court, clerks of court, court services, the out-of-home placement of juveniles, and training. State funding provided for personal services, which include salaries and benefits, for the employees in these operations for fiscal year 1983, at a cost of 8.5 million dollars for 323 full-time, and 90 part-time employees.

The state also funded operating costs of 2.1 million dollars in fiscal year 1983. These operating costs are travel, contractual services, supplies and materials and capital assets.

It is the county's responsibility to fund jury fees, witness fees, transcript costs and attorney fees for indigent defense. Also, counties are required to provide facilities for the operations of circuit court, clerks of court, and court services. The facilities provided are office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. Many counties maintain a county law library which is partially funded from a law library fee collected on each civil filing in the circuit court.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. The total amount of the reimbursement is

pro-rated to each county based upon its population's percentage of the total population of the state.

Municipalities funding is provided to support activities that are necessary to enforce municipal ordinances and by-laws. They must fund jury fees, witness fees, and transcript costs and attorney fees for indigent defense. Municipalities must also provide facilities for law-trained and lay magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support the activities in the courtroom. The legislature requires that the state general fund receive 35% of all fines, penalties, and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes the preparation and submission of the annual consolidated budget request to the Chief Justice; the control of the operating budget, and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts.

The definitions below apply to the categories of accounting information in Table 6, following.

City Fines: Fines collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund which is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund (65%) and the state general fund (35%).

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund.

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated Costs: A $12.00 surcharge set by the state legislature to be assessed for all criminal cases. Ten dollars of this is to be used for training for law enforcement, corrections, and judicial personnel. Two dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is repaid to the victim.

Posted Bonds: Bonds posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

Table 6. Clerk of Court Receipts and Disbursements, FY 1983

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
CASH RECEIPTS									
CITY FINES	123,810	470,218	107,049	67,720	118,541	58,906	304,650	94,782	1,345,676
CITY COSTS RECOVERED	44	1,203	100	8	731	264	0	489	2,838
CITY FORFEITURES	65	3,615	7,855	2,071	225	35	805	315	14,986
STATE FINES	874,894	422,868	688,328	493,582	487,302	526,523	572,115	761,134	4,826,746
STATE COSTS RECOVERED	10,676	111,360	16,292	17,566	7,573	32,572	47,503	22,870	266,413
STATE FORFEITURES	7,760	7,345	6,246	4,877	3,289	10,047	11,045	8,642	59,251
CASH FEES	81,426	105,360	102,795	59,530	71,396	60,509	87,073	48,672	616,762
LAW LIBRARY FEE	8,481	13,448	11,079	6,517	7,821	6,556	9,993	5,755	69,650
POSTAGE (SMALL CLAIMS)	4,190	3,697	6,718	3,565	3,823	4,139	5,223	2,222	33,576
LIQUIDATED COSTS	176,063	266,503	152,557	105,432	113,718	109,995	197,074	123,111	1,244,454
COURT APPTD. ATTY. FEE	13,327	25,316	18,933	18,575	15,311	20,037	13,583	12,286	137,367
PETTY OFFENSES	293	20	490	95	740	294	630	0	2,562
RESTITUTION	192,032	149,803	103,303	96,824	65,643	61,814	113,064	25,022	807,505
POSTED BONDS	215,126	158,180	105,809	149,059	237,830	195,913	175,818	166,174	1,403,909
OTHER	29,269	761	133,618	86,605	2,566	69,134	13,832	5,681	341,466
CHILD SUPPORT	463,381	885,746	1,564,003	581,394	813,284	738,237	1,521,404	553,035	7,120,434
TRUST FUND	126,604	135,293	67,154	30,608	2,983	14,361	91,755	28,473	497,232
TOTAL RECEIPTS	2,327,441	2,760,736	3,092,329	1,724,028	1,952,776	1,909,336	3,165,567	1,858,663	18,790,827
CASH DISBURSED:									
REMITTED TO CITIES	123,919	475,036	115,004	69,798	119,511	59,313	305,455	95,551	1,363,588
REMITTED TO COUNTIES	997,926	685,517	844,007	601,453	594,051	658,605	741,137	859,845	5,982,542
RESTITUTION	193,272	144,155	101,916	95,063	65,608	60,503	111,991	27,254	799,762
SMALL CLAIMS POSTAGE	4,190	3,697	6,717	3,565	3,606	4,137	5,331	2,186	33,428
POSTED BOND REFUND	212,565	147,374	134,857	140,113	227,035	193,735	175,911	99,766	1,331,356
MISCELLANEOUS REFUND	38	199	421	175	219	381	109	148	1,689
OTHER	29,409	664	133,374	99,506	1,952	67,894	15,180	5,768	353,746
CHILD SUPPORT FORWARDED	463,381	885,746	1,564,003	581,394	813,284	738,237	1,521,404	553,035	7,120,484
TRUST FUND	78,154	116,032	99,721	45,735	6,854	13,869	89,611	29,916	479,892
REMITTED TO STATE	175,853	266,503	152,557	105,432	113,718	108,745	197,074	123,160	1,243,043
TOTAL DISBURSED	2,278,707	2,724,923	3,152,577	1,742,234	1,945,838	1,905,419	3,163,203	1,796,629	18,709,530

Table 7. Clerk of Court Receipts and Disbursements Compared

RECEIPTS, TYPE:	FY 1980	FY 1981	FY 1982	FY 1983
CITY FINES	$1,355,865	$1,365,076	$1,798,135	$1,345,676
CITY COSTS RECOVERED	$5,902	$2,261	$3,812	$2,838
CITY FORFEITURES	$15,109	$13,739	$14,300	$14,986
STATE FINES	$2,771,803	$3,253,614	$4,420,292	$4,826,746
STATE COSTS RECOVERED	$123,353	$148,398	$203,850	$266,413
STATE FORFEITURES	$44,341	$34,147	$52,801	$59,251
CASH FEES	$487,825	$506,604	$580,977	$616,762
LAW LIBRARY FEE	$64,482	$65,886	$66,362	$69,650
POSTAGE (SMALL CLAIMS)	$25,836	$29,101	$30,052	$33,576
LAW OFFICER TRNG FUND	$258,777	$288,328	$330,230	$1,244,454
COURT APPTED. ATTY. FEE	$38,757	$81,871	$115,916	$137,367
PETTY OFFENSES FINE	$2,197	$2,537	$2,211	$2,562
RESTITUTION	$443,039	$614,905	$713,853	$807,505
POSTED BONDS	$759,345	$857,869	$1,293,424	$1,403,909
OTHER	$90,542	$174,432	$159,705	$341,466
CHILD SUPPORT COLLECTED	$4,415,645	$5,354,849	$6,318,920	$7,120,484
TRUST FUND	$846,835	$422,644	$559,426	$497,232
TOTAL RECEIPTS	$11,749,653	$13,216,261	$16,664,266	$18,790,877
DISBURSEMENTS, TYPE:				
REMITTED TO CITIES	$1,377,074	$1,380,886	$1,819,710	$1,363,588
REMITTED TO COUNTIES	$3,805,634	$4,386,918	$5,766,386	$5,982,542
RESTITUTION	$395,567	$625,166	$706,555	$799,762
SMALL CLAIMS POSTAGE	$25,386	$28,644	$29,517	$33,428
POSTED BOND REFUND	$707,300	$830,543	$1,219,664	$1,331,356
MISCELLANEOUS REFUND	$7,080	$4,615	$1,984	$1,689
OTHER	$71,614	$169,410	$145,685	$353,746
CHILD SUPPORT FORWARDED	$4,415,645	$5,354,849	$6,318,920	$7,120,484
TRUST FUND	$858,899	$578,650	$504,793	$479,892
REMITTED TO STATE	$0	$106	$260	$1,243,043
TOTAL DISBURSED	$11,664,199	$13,359,787	$16,513,474	$18,709,530

The table above shows annual receipts and disbursements for the period from the beginning of fiscal year 1980 through 1983. In almost all significant categories, the increase has been impressive. The bar charts following isolate the various receipts by category and illustrate graphically how the clerks offices receipts have grown over the four-year period.

Chart 2 shows the changes over the four-year period in collection categories of restitution, fees, and court appointed attorney payments. Restitution is the monetary recompense required by the court to be paid to the victim by the offender. Fees are the category of payments made by the public for various services and the processing of various civil actions by the courts. Court-appointed attorney payments are those fees for defense counsel required of the convicted defendant by the court, usually as a condition of probation, to be paid back to the county. All of these may be considered of special value to the counties. The first category because it represents justice for the citizens in general, and the last two because the money is mostly furnished directly into the county treasury.

The graph shows a substantial increase in restitution which, from 1980 through 1983, rose over 80%. This represents a significant contribution of the courts to the direct benefit, and for the additional protection, of victims of crime. It also represents a substantial step in promoting justice beyond the punishment of the criminal.

While fees have not increased at such a remarkable rate as restitution, there is a 26% increase, or almost $129,000, generated in support of the counties. This, coupled with the increase of just under $100,000 in the payback of attorneys' fees, represents a rise of over a quarter-million dollars in the court's contribution to the counties, this year over 1980, in these areas.

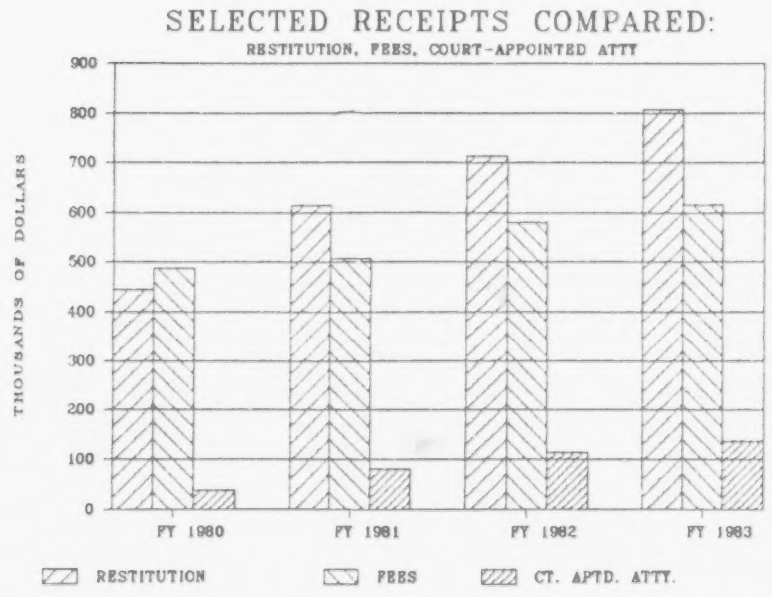


Chart 2. Selected Receipts Compared: Restitution, Fees, etc.

Chart 3 shows state and city fines compared, and the law-enforcement officers' training fund (previously 5% or $2.00 on each violation), which in 1983 was changed by statute to "liquidated costs". These costs are now a flat $12.00 fee added to violations of state statutes, criminal offenses and county or municipal traffic regulations (SDCL 23-3-52).

The information in the chart illustrates that the overall state fines did not decrease, regardless of the reduction in individual fine amounts. This is probably due, in part, to increases in DWI arrests during the period, and the establishment of more thorough highway control on truck violations. The total liquidated costs figure for the fiscal year is $1,244,454, up over $900,000 from the previous year's $330,230 law enforcement officer's training fund.

Of this year's total, 25%, or $311,114, is to be used for law enforcement training. 58%, or $721,783, is to be used for highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors, unified judicial system personnel, and other law enforcement and training purposes. The remaining 17%, or $211,557, goes to the counties for payment of attorneys for poor people accused of crimes. This money, for the payment of court-appointed attorneys and public defender offices, is to be distributed annually by the state treasurer according to section 9 of SDCL 23-3-53.

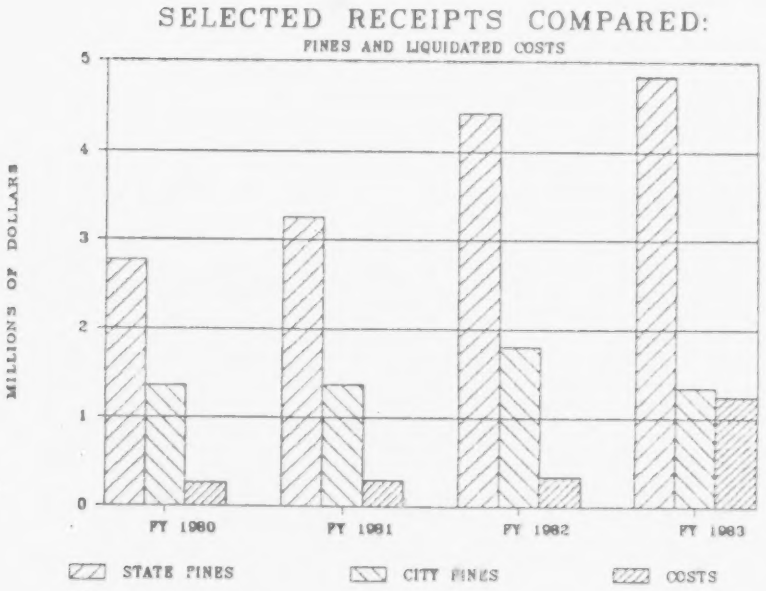


Chart 3. Fines and Liquidated Costs

In Chart 4, the increase in total receipts shows that the court clerk offices are handling over a third more money now than they were in 1980. Almost $3 million of this is in child-support payments ordered to be paid through the courts. This chart also shows that state fines, which are returned by the courts to the school districts in the counties, have increased steadily (this year, two million dollars more than 1980) over the past four years, in spite of a slight reduction in fine amounts per offense during the past two years.

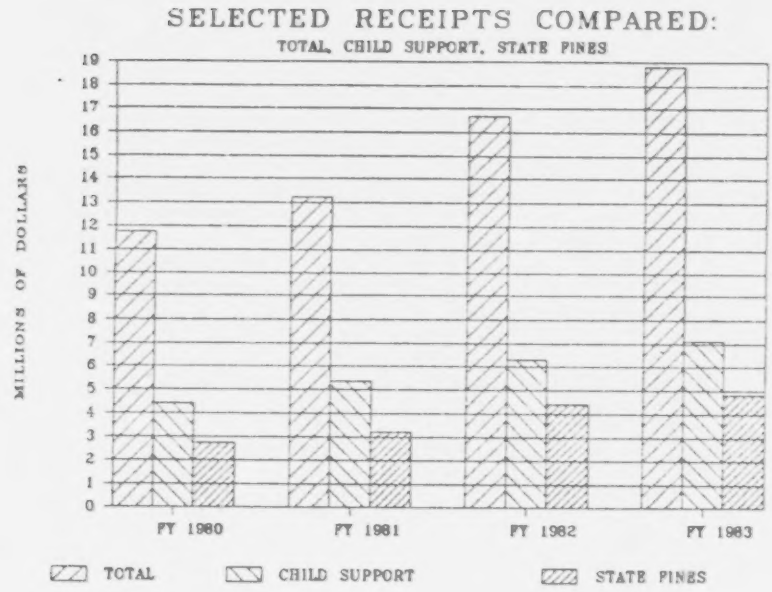


Chart 4. Total Receipts, Child Support, State Fines

Table 8. Comparison of Court Services Activities, FY 82-83

	FIRST CIRCUIT		SECOND CIRCUIT		THIRD CIRCUIT		FOURTH CIRCUIT		FIFTH CIRCUIT		SIXTH CIRCUIT		SEVENTH CIRCUIT		EIGHTH CIRCUIT		STATE TOTAL	
	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83	FY82	FY83
JUVENILE SERVICE:																		
DIVERSION PROGRAM	193	204	68	91	187	150	94	97	50	19	72	52	104	104	71	67	839	784
PRE-HEARING REPORT	102	94	409	248	58	70	52	63	53	62	171	124	196	108	26	7	1067	776
INFORMAL ADJUSTMENT	10	33	4	1	13	27	1	2	0	0	3	7	9	10	9	0	49	80
PLACED ON PROBATION	114	113	143	122	175	133	75	83	157	194	82	77	176	114	88	55	1010	891
ON PROBATION AT END OF FISCAL YEAR	92	119	102	110	63	59	42	56	119	138	61	75	113	104	84	67	676	728
ADULT SERVICE:																		
MISDEMEANOR																		
PRESENTENCE REPORT	94	108	50	15	238	55	76	80	0	6	8	18	1176	1367	2	2	1644	1651
PLACED ON PROBATION	58	75	68	55	626	146	40	98	0	20	27	24	14	47	19	20	852	485
FELONY																		
PRESENTENCE REPORT	27	35	77	128	137	132	50	59	35	50	63	80	136	136	46	33	571	653
PLACED ON PROBATION	65	83	109	103	118	124	44	49	79	72	34	63	82	91	44	52	575	637
ON PROBATION AT END OF FISCAL YEAR	126	132	228	222	164	153	99	93	138	126	80	104	143	162	83	89	1061	1081

This table presents a comparison of court services activities, by circuit, for fiscal year 1982 and 1983.

Table 9. Civil Caseload by County, Fiscal Year 1983

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIALS	DEFAULT	PROBATE	MENTAL ADOPTION	ILLNESS	GUARDIANSHIPS	TERMINATION	JUVENILE PETITIONS
BON HOMME	22	57	1	21	4	4	17	21	32	5	1	169	13	156	72	3	1	7	5	1
CHARLES MIX	52	35	3	13	7	3	10	31	11	6	8	187	0	170	87	3	1	1	4	19
CLAY	49	96	2	2	3	5	107	54	2	4	44	398	25	330	66	9	5	7	3	35
DOUGLAS	0	35	0	0	0	0	20	2	0	0	0	125	0	113	23	0	0	1	0	5
HUTCHINSON	19	38	2	4	2	1	35	16	2	0	11	210	24	186	95	5	4	9	1	1
LINCOLN	62	128	1	22	7	2	79	37	8	3	35	179	27	150	96	9	1	12	0	18
TURNER	37	50	3	3	2	1	59	18	1	2	16	140	10	123	78	5	1	11	0	6
UNION	80	131	3	23	25	3	4	74	20	4	51	266	31	242	75	11	2	4	1	9
YANKTON	71	131	116	5	22	9	22	73	46	5	71	613	46	516	108	14	112	22	7	64
FIRST CKT TOTAL	392	701	131	93	72	28	353	326	122	29	237	2287	176	1936	706	59	127	76	21	178
MINNEHAHA: 2ND CKT	1664	1336	30	472	134	46	2754	669	275	63	535	2071	384	1640	476	125	123	120	51	352
BEADLE	32	201	3	21	6	2	228	96	9	5	72	620	83	671	116	20	3	16	4	68
BROOKINGS	124	187	5	20	10	3	191	100	14	16	76	1242	157	1102	116	13	5	23	6	125
CLARK	12	39	0	0	0	1	34	14	0	0	14	113	7	101	48	1	0	1	0	3
CODINGTON	87	247	2	30	5	3	301	90	38	26	74	722	67	534	116	14	5	32	8	47
DEUEL	13	31	0	8	0	1	14	12	9	1	6	168	11	156	53	10	1	6	0	5
FAULK	3	14	1	0	1	0	0	5	0	4	0	71	6	55	26	2	2	3	0	2
GRANT	65	52	0	3	3	0	100	44	21	3	15	241	23	256	52	6	2	8	3	17
HAMLIN	9	31	1	3	1	0	22	4	4	7	4	88	11	89	48	3	0	2	0	3
HAND	14	32	1	0	0	0	24	10	0	0	12	270	0	230	38	1	1	8	1	6
KINGSBURY	23	39	0	20	0	0	36	28	10	2	20	92	16	109	95	4	0	2	0	2
SPINK	85	15	1	17	6	0	51	18	3	8	3	170	20	145	66	5	1	10	3	9
THIRD CKT TOTAL	467	888	14	122	32	10	1001	421	108	72	296	3797	401	3448	774	79	20	111	25	287
AURORA	12	15	0	10	3	0	17	4	1	3	2	80	0	55	25	2	0	3	1	8
BRULE	0	119	0	0	0	0	44	21	24	0	6	163	8	132	47	5	0	0	0	18
BUFFALO	0	5	2	0	1	0	0	0	0	1	0	16	0	15	0	0	0	3	0	0
DAVISON	109	117	0	14	18	5	97	80	46	24	11	987	178	653	97	15	10	18	4	55
HANSON	4	10	0	0	0	0	0	0	0	0	0	23	0	22	0	0	0	0	0	0
JERAULD	7	10	0	0	0	0	15	6	0	0	3	129	7	107	14	1	1	3	0	3
LAKE	42	75	2	4	2	0	72	32	0	0	33	367	34	287	71	5	7	12	1	37
MC COOK	23	57	2	4	2	1	39	20	0	2	9	195	21	203	47	3	0	3	1	4
MINER	12	20	0	1	1	1	0	3	0	0	0	95	14	73	40	1	4	9	0	3
MOODY	48	60	2	8	3	2	61	22	10	4	15	148	11	134	64	3	1	8	1	34
SANBORN	14	11	1	0	0	0	18	10	1	0	8	61	8	59	28	0	0	4	1	9
FOURTH CKT TOTAL	271	499	9	41	30	9	363	198	82	34	87	2264	281	1740	433	35	23	63	9	171

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIALS	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATION	JUVENILE PETITIONS
BROWN	358	393	5	13	31	5	672	172	57	36	291	1189	138	873	213	25	12	32	24	190
CAMPBELL	6	14	0	2	1	0	11	4	1	1	1	52	6	4	19	0	3	2	0	0
DAY	55	57	1	3	8	2	68	24	8	2	11	305	54	274	70	2	3	7	5	28
EDMUNDS	21	22	0	0	0	0	30	17	3	0	3	106	10	90	31	0	1	4	0	6
MARSHALL	0	63	1	16	5	2	21	15	7	6	13	152	7	133	54	1	1	4	1	11
MC PHERSON	26	23	0	0	0	0	33	5	0	2	7	75	4	72	3	0	0	2	0	0
ROBERTS	49	46	1	2	3	0	46	29	0	8	21	129	12	119	68	6	6	7	2	70
WALWORTH	56	43	2	7	4	0	48	27	9	7	10	189	25	160	48	6	2	6	4	50
FIFTH CKT TOTAL	571	661	10	43	52	9	929	293	85	62	357	2197	256	1725	506	40	28	64	36	355
BENNETT	7	20	0	0	0	0	1	6	2	0	7	86	7	70	28	2	1	0	0	9
GREGORY	1	69	2	4	2	1	54	27	0	0	18	314	28	279	44	2	1	1	0	10
HAAKON	11	14	1	4	1	0	4	10	10	0	1	98	2	88	16	4	0	2	0	10
HUGHES	50	226	24	42	20	3	151	102	12	1	87	885	114	871	74	22	3	11	14	57
HYDE	10	13	0	0	1	0	9	4	1	2	2	71	8	68	14	1	1	3	0	1
JACKSON	7	17	2	0	0	0	18	10	0	0	7	35	5	29	20	4	0	3	0	18
JONES	8	6	0	0	2	0	9	1	0	0	3	67	9	48	14	2	0	4	0	6
LYMAN	24	55	1	2	1	0	24	17	4	2	5	140	10	96	25	5	3	1	0	6
MELLETTE	9	15	2	7	3	1	10	11	2	0	6	33	3	32	5	0	1	1	0	0
POTTER	37	26	0	3	7	1	42	9	0	1	8	80	13	67	23	3	0	2	1	3
STANLEY	16	73	1	31	9	0	23	14	5	0	15	171	17	146	11	1	1	3	0	3
SULLY	4	24	4	1	2	2	3	6	0	0	3	85	0	78	17	0	0	0	0	2
TODD-TRIPP	55	78	1	0	1	0	0	39	9	0	32	228	22	210	79	2	10	8	1	53
SIXTH CKT TOTAL	239	636	38	94	49	8	348	256	45	6	194	2293	238	2082	370	48	21	39	16	178
CUSTER	71	34	2	16	1	1	12	59	51	2	20	254	24	123	30	7	4	7	1	24
FALL RIVER	84	52	4	24	50	1	74	50	6	2	53	204	33	167	68	21	4	5	1	31
PENNINGTON	334	945	17	108	28	14	756	591	276	22	577	0	0	0	282	71	71	47	57	318
RAPID CITY	217	0	0	2	17	2	131	0	0	0	0	2388	329	2206	0	0	107	0	0	0
SEVENTH CKT TOTAL	706	1031	23	150	96	18	973	700	333	26	650	2846	386	2496	380	99	186	59	59	373
BUTTE	53	110	12	2	0	2	104	58	1	1	42	177	16	44	65	5	11	18	3	19
EDISON	4	19	0	10	4	1	18	10	9	0	4	82	10	60	21	2	1	3	0	2
GRAY	12	16	1	0	1	1	26	16	4	0	11	70	7	55	14	2	0	3	0	10
HARDING	5	14	0	3	1	0	7	9	6	0	0	25	4	21	31	4	0	3	1	3
LAWRENCE	152	188	7	19	13	1	197	135	13	6	99	505	73	245	84	13	10	26	5	36
MEADE	23	122	7	29	20	2	98	109	43	8	91	232	43	197	82	9	28	18	1	23
PERKINS	14	21	0	0	9	0	17	8	1	0	5	108	0	64	35	3	0	2	0	4
ZIEBACH	3	0	0	0	0	0	0	0	0	0	0	18	0	10	9	0	0	0	0	0
EIGHTH CKT TOTAL	266	490	27	63	48	7	467	345	77	15	252	1217	153	696	341	38	50	73	10	97
STATE TOTALS	4576	6242	282	1078	513	135	7188	3208	1127	307	2608	18972	2275	15763	3986	523	578	605	227	1991

Table 10. Criminal Caseload by County, Fiscal Year 1983

COUNTIES	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRELM. HRGS.	GLTY PLEA	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRELM. HRGS.	GLTY. PLEA	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
BON HOMME	3	418	409	12	15	52	7	50	3	5	1	9	4	8	1	3	1
CHARLES MIX	9	1052	1014	80	13	239	25	203	31	3	1	45	18	32	17	0	3
CLAY	0	1835	1763	23	59	270	22	238	1	4	10	61	14	47	2	1	5
DOUGLAS	2	437	416	11	1	21	4	16	4	0	3	8	3	7	1	0	1
HUTCHINSON	1	512	484	2	4	40	6	32	4	0	0	5	1	2	1	0	1
LINCOLN	12	2014	1979	128	55	152	23	126	45	5	2	31	8	22	23	0	4
TURNER	3	934	876	25	18	48	4	40	6	1	0	10	4	11	9	0	2
UNION	16	4346	4247	66	50	204	20	178	17	1	2	47	8	24	15	2	0
YANKTON	14	3159	3077	81	75	343	56	288	19	7	17	103	36	60	29	0	6
FIRST CKT TOTAL	60	14707	14265	428	290	1369	167	1171	130	26	36	319	96	213	98	6	23
MINNEHAHA	945	29157	24068	5442	1046	2711	348	1951	364	33	10	672	171	385	302	4	17
BEADLE	38	2464	2291	156	45	268	21	226	40	7	4	45	15	38	20	1	4
BROOKINGS	22	2318	2083	68	63	369	13	352	24	0	1	50	8	47	23	0	1
CLARK	7	272	249	22	1	26	0	22	7	0	0	3	0	1	2	0	0
CODINGTON	52	3482	3328	93	23	349	32	306	26	6	4	59	23	47	16	0	7
DEUEL	4	749	727	5	0	68	10	64	2	1	3	9	5	6	0	0	1
FAULK	5	403	389	2	4	43	15	27	4	1	2	8	5	6	2	0	0
GRANT	5	1048	1017	16	23	100	2	98	4	1	0	21	5	22	6	0	2
HAMLIN	3	510	464	27	14	39	3	36	3	1	1	13	3	9	5	0	0
HAND	4	537	526	20	3	54	3	47	13	0	1	15	1	9	12	1	2
KINGSBURY	2	438	429	9	1	59	2	48	6	1	0	8	1	5	5	0	0
SPINK	13	1020	1009	17	5	85	6	73	0	1	4	15	2	17	6	0	1
THIRD CKT TOTAL	155	13241	12512	435	182	1460	107	1299	129	19	20	246	68	207	97	2	18
AURORA	16	1133	1127	7	1	54	7	49	5	0	5	6	1	3	2	0	1
BRULE	4	1188	1176	28	10	137	35	122	10	1	9	26	14	20	5	0	2
BUFFALO	0	45	44	2	0	10	1	9	0	0	0	3	1	0	3	0	0
DAVISON	15	3728	3587	216	31	365	49	339	45	1	8	59	8	33	43	0	0
HANSON	0	279	261	4	1	23	14	20	3	0	1	3	3	3	0	0	0
JERAULD	5	497	496	9	2	44	3	37	5	0	0	6	0	3	1	0	1
LAKE	8	1781	1699	69	22	148	24	121	17	3	5	22	6	9	8	0	1
MC COOK	0	655	592	4	7	70	19	60	7	0	4	21	9	9	10	0	4
MINER	1	332	305	1	9	26	4	20	2	1	1	2	0	2	0	0	0
MOODY	2	733	682	40	13	110	19	86	23	1	2	15	7	14	4	1	2
SANBORN	0	336	322	14	3	27	4	20	6	1	1	8	2	3	7	2	0
FOURTH CKT TOTAL	51	10707	10291	394	99	1014	179	883	123	8	36	171	51	99	83	3	11

COUNTIES	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE	FIL LINGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL LINGS	PRELM. HRGS.	GLTY PLEA	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL LINGS	PRELM. HRGS.	GLTY. PLEA	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
BROWN	90	5662	5167	455	108	592	52	443	129	8	4	168	37	81	88	0	3
CAMPBELL	2	167	175	0	0	19	13	13	1	7	0	0	0	0	0	0	0
DAY	3	578	570	13	6	116	6	95	3	3	0	21	4	13	5	0	1
EDMUNDS	3	724	690	20	3	84	1	62	12	0	0	22	4	7	15	0	0
MARSHALL	1	253	238	25	1	77	2	66	5	2	0	7	1	3	3	0	0
MC PHERSON	1	109	100	1	3	12	1	11	3	1	0	0	0	0	1	0	0
ROBERTS	4	1467	1360	130	7	291	8	225	49	9	0	51	12	25	18	0	3
WALWORTH	8	1070	998	76	9	157	8	155	4	0	0	34	11	30	5	0	0
FIFTH CKT TOTAL	112	10030	9298	720	137	1348	91	1070	206	30	4	303	69	159	135	0	7
BENNETT	4	643	542	38	7	225	12	81	16	1	8	37	5	8	7	0	3
GREGORY	2	270	254	18	0	59	7	48	13	0	5	25	10	19	3	0	1
HAAKON	0	383	382	0	3	52	38	38	6	0	9	7	4	2	2	0	1
HUGHES	27	2934	2725	145	121	509	135	379	66	16	26	135	47	107	37	1	13
HYDE	0	155	135	4	7	15	2	16	1	0	1	2	1	0	2	0	0
JACKSON	6	1432	1437	23	2	238	15	85	20	2	4	48	4	8	17	0	1
JONES	2	445	424	5	5	42	8	36	8	0	1	4	2	6	1	0	0
LYMAN	1	1011	1021	3	1	61	2	61	2	0	0	1	0	2	2	0	0
MELLETTE	0	94	68	22	2	15	5	12	3	0	0	12	3	1	7	0	1
POTTER	5	527	479	30	0	101	7	37	7	1	2	33	5	8	8	1	0
STANLEY	7	996	949	30	19	128	12	107	8	0	2	20	6	14	1	0	1
SULLY	0	320	280	15	2	18	0	12	0	0	0	5	1	4	1	0	0
TODD-TRIPP	1	1003	977	61	10	200	40	142	32	0	18	53	17	23	25	0	8
SIXTH CKT TOTAL	55	10213	9673	394	179	1663	283	1054	182	20	76	382	105	202	113	2	29
CUSTER	8	1247	1104	24	7	303	13	116	26	1	2	67	11	25	14	0	3
FALL RIVER	6	1077	1083	48	21	155	35	134	22	4	8	17	8	15	2	0	6
PENNINGTON	2	389	377	11	0	22	12	19	4	0	1	193	85	110	58	1	12
RAPID CITY	412	19034	15732	3057	225	1607	243	1236	104	4	11	175	62	95	78	0	0
SEVENTH CKT TOTAL	428	21747	18296	3140	253	2087	303	1505	356	9	22	452	166	245	152	1	21
BUTTE	5	930	867	30	8	321	67	218	28	4	5	39	20	19	7	11	3
CORSON	0	139	138	2	0	13	3	10	1	0	0	3	0	3	0	0	0
DEWEY	0	361	295	50	0	17	5	17	1	0	0	1	0	0	3	0	0
HARDING	6	610	623	35	1	14	2	13	1	0	0	4	1	1	1	0	1
LAWRENCE	96	2692	2732	117	16	428	32	395	18	0	4	52	20	43	13	0	1
MEADE	243	4928	4750	313	7	345	37	305	31	1	2	80	24	53	32	0	3
PERKINS	2	471	453	12	0	96	8	46	4	0	0	17	2	6	2	0	0
ZIEBACH	1	272	259	11	0	10	0	6	0	0	0	0	0	0	0	0	0
EIGHTH CKT TOTAL	353	10403	10117	570	32	1244	154	1010	84	5	11	196	67	125	56	11	8
STATE TOTALS	2159	120205	108520	11523	2218	12896	1632	9943	1574	150	215	2741	793	1635	1038	29	134

Table 11. Civil Filings and Dispositions by Fiscal Year

CIVIL ACTION CATEGORY	FY 1979	FY 1980	FY 1981	FY 1982	FY 1983
CIVIL FILINGS	8379	9255	9162	10072	11100
DEFAULTS	5094	5984	6731	6754	7188
TRIALS & DISP. HEARINGS	1087	1077	1327	1393	1495
DIVORCE FILINGS	3126	3518	3544	3330	3208
DEFAULTS	2351	2642	2605	2634	2608
CONTESTED	469	762	787	778	770
SMALL CLAIMS FILINGS	13014	16432	17999	17391	18942
DEFAULTS	9097	11841	14480	14383	15763
CONTESTED	1104	2119	2067	2167	2275
MISCELLANEOUS FILINGS	7574	7767	7496	7219	7683
PROBATE	3970	4223	3956	4002	3986
ADOPTION	626	516	487	458	523
MENTAL ILLNESS	616	599	592	546	578
GUARDIANSHIP	632	596	581	649	605
JUVENILE PETITIONS	1730	1833	1880	1564	1991

Civil Caseload

Table 11 shows the trends in the various categories of civil cases during the past five fiscal years. In the first three categories (civil, divorce and small claims), filings and dispositions are shown. In the miscellaneous category, only filings are reported. In civil types of cases, defaults generally include settlements and dismissals terminated without a disposition hearing. In fiscal year 1983, the reporting process was modified to promote more complete reporting of disposition hearings. This may explain, in part, the increase in this category of case terminations.

Certain selected categories from the above table are presented in Charts 5 through 8, on the following pages, to illustrate the trends in civil actions.

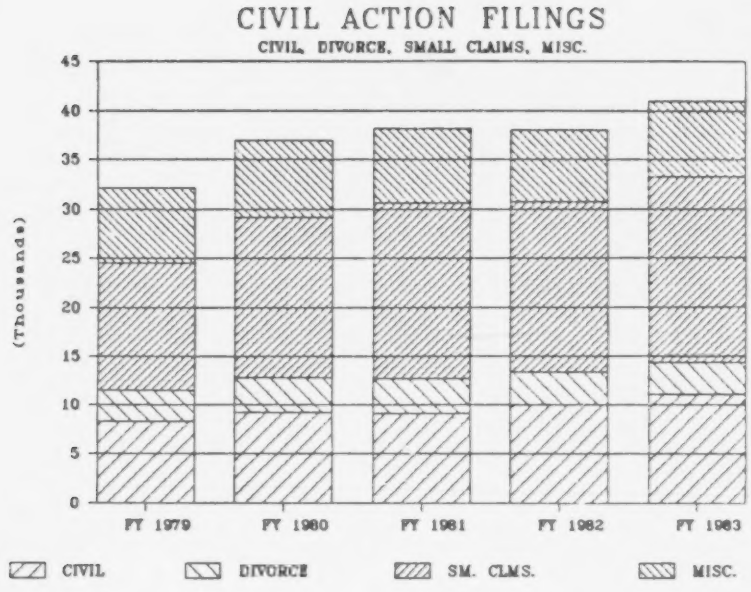


Chart 5. Civil Action Filings

Chart 5 illustrates trends in overall civil actions filed, which show a moderate increase over the five year period. While divorce filings have remained fairly stable, even decreasing slightly during the last fiscal year, civil cases and small claims show a gradual increase. The Miscellaneous category includes probate, adoption, mental illness, and guardianship filings, and juvenile petitions filed in the clerk's office.

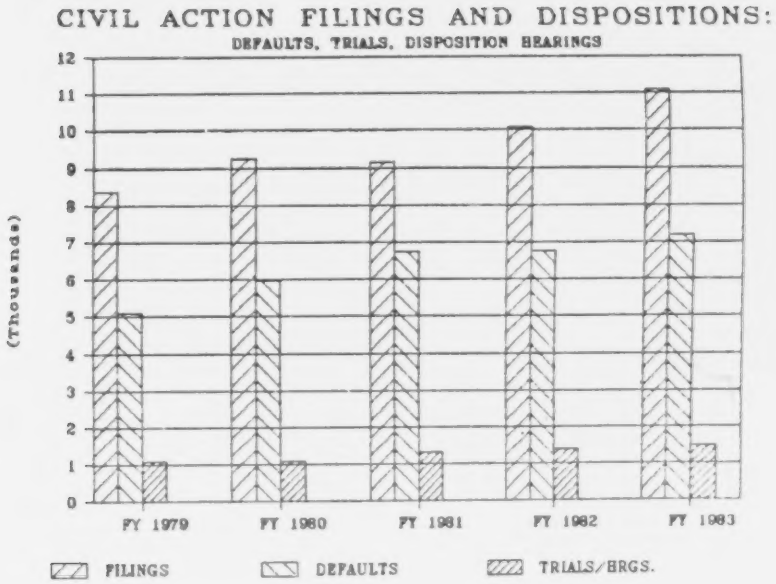


Chart 6. Civil Action Filings and Dispositions

Chart 6 shows that, in all civil lawsuits, filings have increased slightly over dispositions. Some defaults (settlements and lawsuits that are dropped, for example) are not reported when they are terminated, so there may be a number of dispositions that are not shown in the chart. A Supreme Court Rule, requiring dismissal of cases that remain inactive for over a year, will help to bring these into balance in future years. In fiscal year 1983, trials and dispositional hearings were reported separately, as shown in Table 9. They are combined in chart 6 in order to show continuity with the categories previously used.

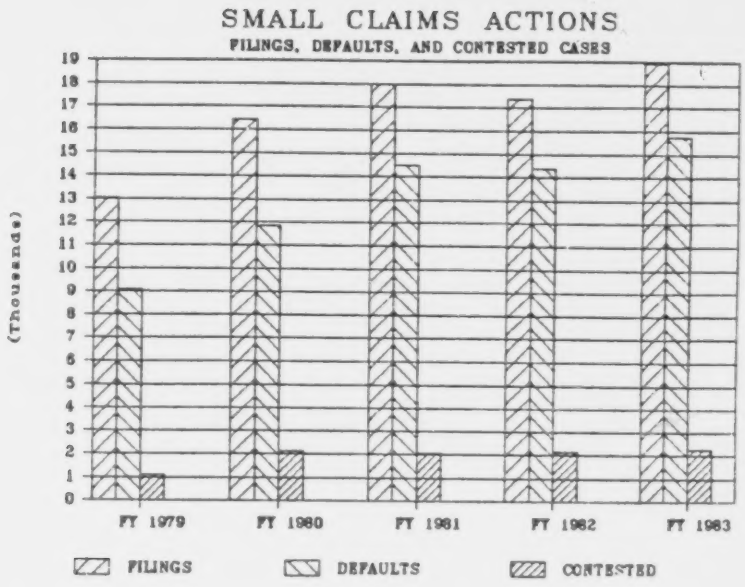


Chart 7. Small Claims Actions

Chart 7, Small Claims Actions, shows a renewed increase in filings during fiscal year 1983, after a slight decrease in 1982. Throughout the period from 1980 through 1983, however, contested small claims cases appear to be fairly stable.

Filings and defaults involving marriage dissolution are shown in Chart 8. Filings during the period show a gradual but significant decrease after fiscal year 1981.

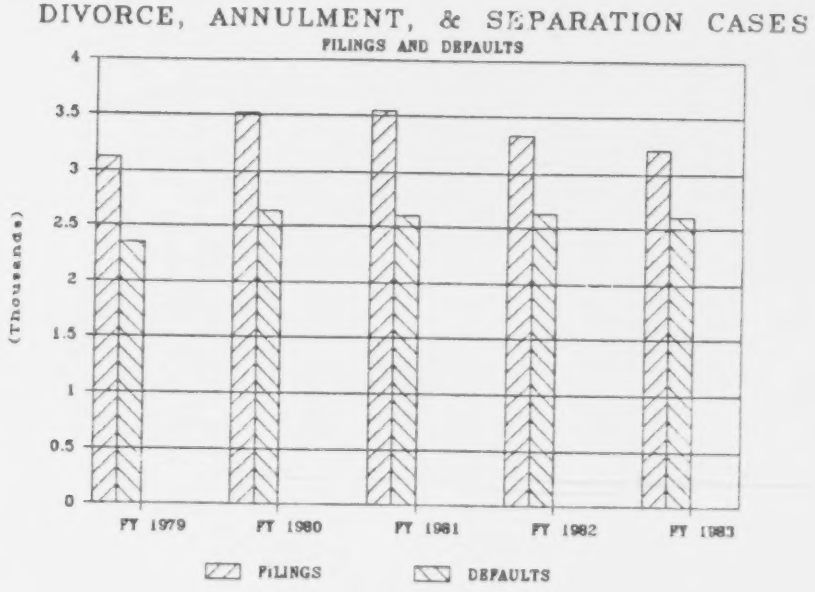


Chart 8. Divorce, Annulment, and Separation Cases

CATEGORY	FY 1979	FY 1980	FY 1981	FY 1982	FY 1983
MISDEMEANOR TWO FILINGS	122126	115829	126974	122327	122364
GUILTY PLEAS	113559	106006	117127	110503	108520
DISMISSALS	6423	7854	7954	10852	11523
TRIALS	2281	2513	2288	2710	2601
SUSPENDED IMPOSITION	50	150	302	394	380
TOTAL SPEEDING OFFENSES			66531	58227	56370
MISDEMEANOR ONE FILINGS	9148	8757	9258	10218	12897
PRELIMINARY HEARINGS	1161	1169	1253	1616	1634
GUILTY PLEAS	6849	6624	7099	8134	9943
DISMISSALS	1328	1304	1340	1417	1572
COURT TRIAL	291	221	272	281	225
JURY TRIAL	168	173	177	160	215
SUSPENDED IMPOSITION	56	85	179	430	802
TOTAL DWI OFFENSES		4357	4720	6031	8482
FELONY FILINGS	2337	2809	2846	2921	2741
PRELIMINARY HEARINGS	688	785	583	1005	793
GUILTY PLEAS	1078	1270	1368	1633	1635
DISMISSALS	817	1089	1082	1046	1038
COURT TRIAL	55	26	39	36	29
JURY TRIAL	160	153	188	165	133
SUSPENDED IMPOSITION	234	288	310	410	404

Table 12. Criminal Caseload Summary, Fiscal Year 1979-1983

Criminal Caseload

Table 12 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. Petty offenses, which are technically civil cases, are included in the main category of misdemeanor-two filings. Speeding offense filings, separated to show comparative figures, are included in the number of misdemeanor two filings. Similarly, the number of DWI filings are shown separately, but are also included in misdemeanor one filings. Selected information from the table is shown graphically in the charts that follow.

In the felony caseload summary, Chart 9, the number of prosecutions has declined in fiscal year 1983, while guilty pleas and dismissals have remained at the same level as 1982. Correspondingly, in Chart 10, felony trials show a steady decrease from 1981 through 1983.

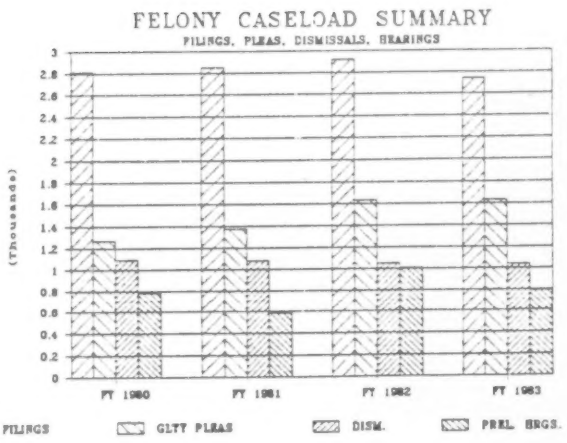


Chart 9. Felony Caseload Summary

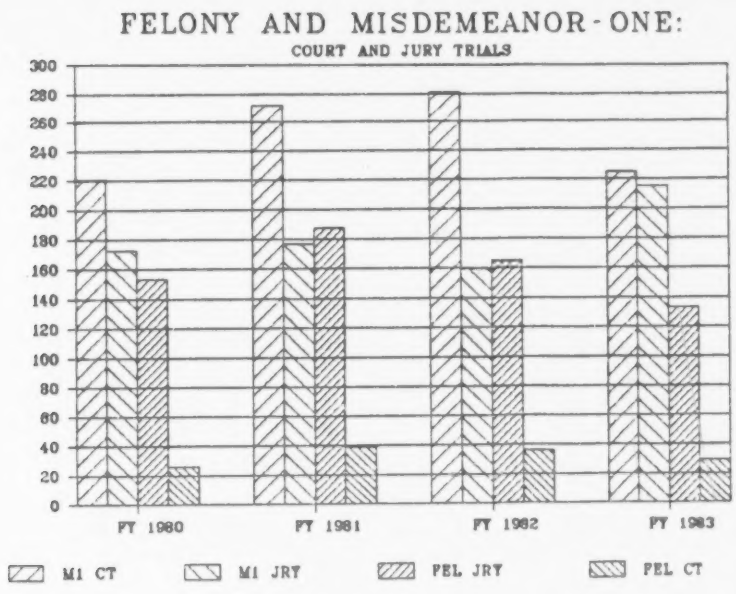


Chart 10. Felony and Misdemeanor-One Trials

Also in Chart 10, The number of misdemeanor-one jury trials shows a substantial increase in 1983, while trials to the court without a jury have decreased. This may be compared with Chart 11, which shows the steady rise in misdemeanor-one filings and guilty pleas. The apparent imbalance of filings over dispositions may be better reconciled in fiscal year 1984, because of special efforts presently being made in Minnehaha County to improve the processing of misdemeanor cases and increase the number of dispositions.

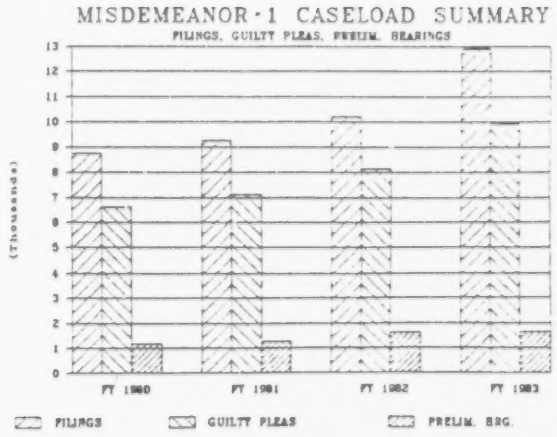


Chart 11. Misdemeanor-One Caseload Summary

Table 13. DWI Violations Summary, Fiscal Year 1980-1983

	FY 1980	FY 1981	FY 1982	FY 1983
FILINGS				
DWI ONE	3731	4094	5265	7465
DWI TWO	468	492	556	827
DWI THREE	158	134	210	190
TOTAL	4357	4720	6031	8482
GUILTY PLEAS				
DWI ONE	2988	3209	3932	5568
DWI TWO	384	398	435	598
DWI THREE	90	76	112	85
TOTAL	3462	3683	4479	6251
DISMISSALS				
DWI ONE	604	718	910	1095
DWI TWO	60	71	103	186
DWI THREE	42	28	54	60
TOTAL	706	817	1067	1341
SUSPENDED IMPOSITION				
DWI ONE	17	46	244	566
DWI TWO	2	3	2	11
DWI THREE	14	21	32	29
TOTAL	33	70	278	606
TRIAL CONVICTIONS				
DWI ONE	58	62	125	147
DWI TWO	14	6	13	19
DWI THREE	2	2	10	2
TOTAL	74	70	148	168
TRIAL ACQUITTALS				
DWI ONE	23	17	16	39
DWI TWO	4	5	0	6
DWI THREE	3	0	1	1
TOTAL	30	22	17	46

Total DWI (driving while intoxicated) filings, and the most common dispositions of those filings, are shown for fiscal years 1980 through 1983. The number of dismissals is expected to decrease during fiscal year 1984. Most of the suspended impositions shown are rendered in Minnehaha County Magistrate Court. Selected totals from the table are shown on Charts 12 and 13.

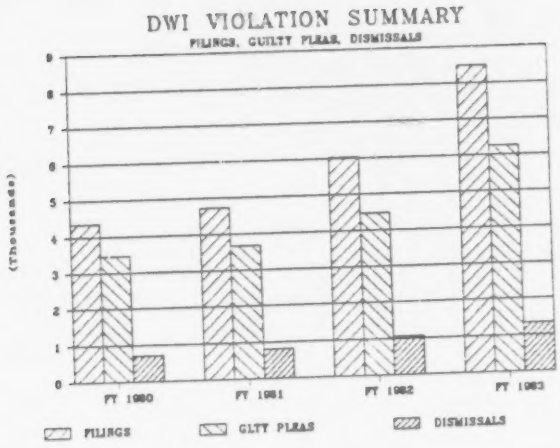


Chart 12. DWI Violations, Filings, Guilty Pleas, Dismissals

The majority of misdemeanor-one prosecutions involve violations for driving while intoxicated (DWI). A summary of these offenses is shown in Chart 12, which indicates that DWI filings have nearly doubled from FY 1980 to 1983. Chart 13 illustrates some of the other dispositions of DWI cases. The data indicates that trial acquittals for DWI violators have risen slightly, while suspended impositions of sentence have risen dramatically.

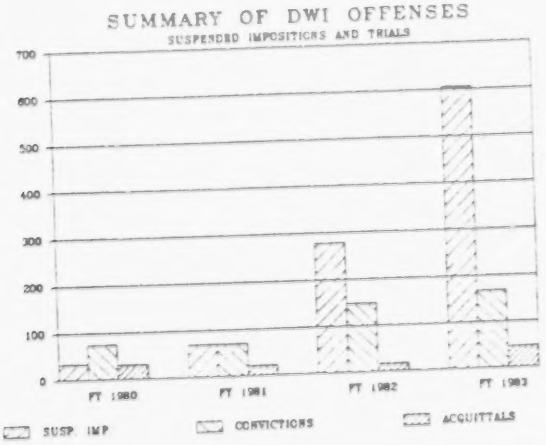


Chart 13. Summary of DWI Offenses

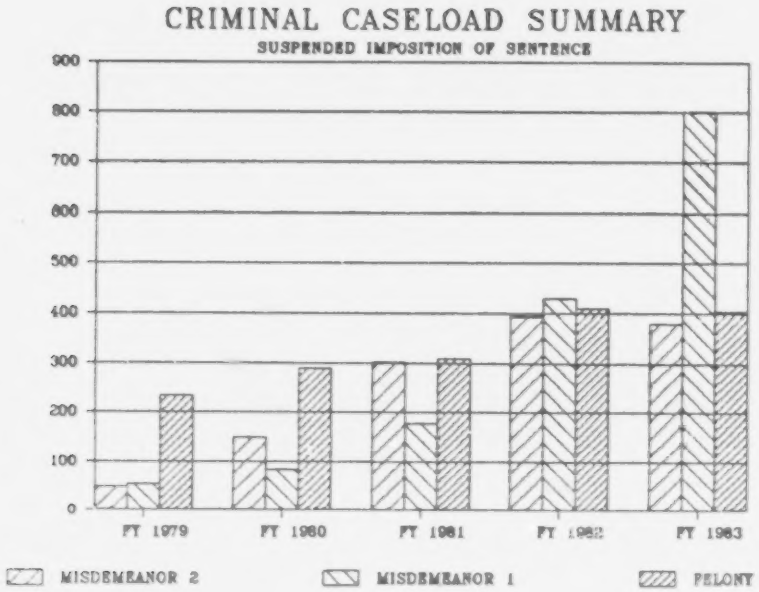


Chart 14. Criminal Caseload, Suspended Imposition of Sentence

Suspended Imposition, while it is a special type of case-handling, is nevertheless a type of conviction. The defendant who receives the suspended imposition either pleads guilty or is convicted at trial. In these cases, however, the judge decides that justice would be best served if the defendant performs certain conditions--which may include jailtime--and then has his record sealed. When the record is sealed, it is as if the crime never occurred, except that the conviction will be considered for purposes of sentencing should the defendant be convicted of any future crimes.

The suspended imposition of sentence is intended to provide particular protection for those citizens that the judge decides are not likely to commit another crime. They are given an opportunity to reinstate themselves without criminal records. Chart 14 shows the increase in suspended impositions of sentence by type of offense in recent years.

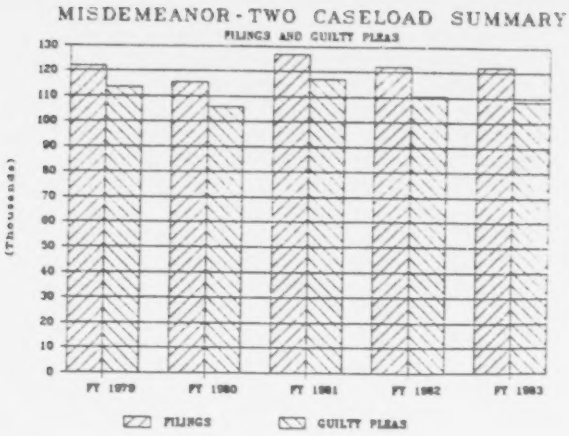


Chart 15. Misdemeanor-Two Caseload Summary

Chart 15 shows that misdemeanor two filings and guilty pleas have remained in about the same ratio to each other, and have stayed in the range of 120,000 filings over the years. Misdemeanor-two violations include traffic (except DWI and reckless driving), bad check offenses under $100, and possession of small amounts of marijuana.

Chart 16 shows other dispositions of misdemeanor two cases. Trials have remained at around 2500 during the five year period, while dismissals have increased dramatically. This increase is primarily the result of the courts' effort to deal more effectively with traffic cases. If the traffic offender does not comply with the citation after a specified time period, his driver's license is suspended and the case is technically dismissed. In order to reinstate the license, the defendant must first have the court issue the order to reinstate, then must pay a substantial cash penalty. He also faces the possibility of an additional charge of failure to appear for criminal hearing.

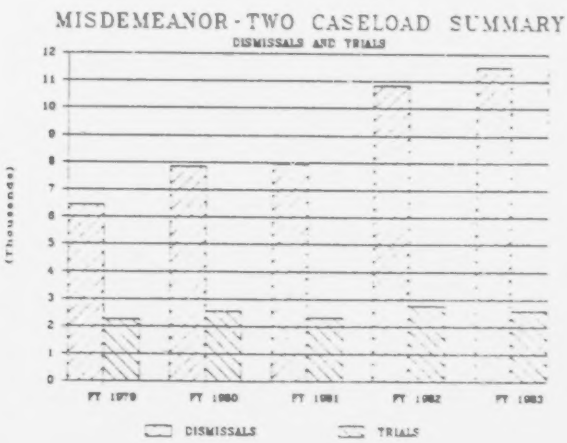
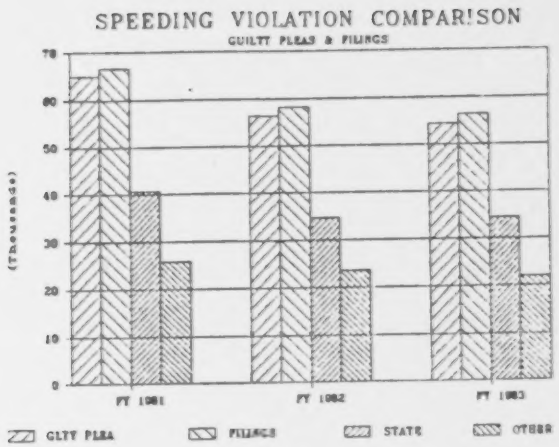


Chart 16. Misdemeanor-Two Dismissals and Trials

Chart 17. Speeding Violation Guilty Pleas and Filings



Some additional data for speeding violations, which represent about half of all misdemeanor two offenses, are shown in charts 17 and 18. In chart 17, the indicators for "state" and "other" represent the ratio, for each, of total filings. The "other" category is mostly municipal speeding violations. This chart shows that filings for speeding violations have decreased in the past two years, and that there are consistently about 30% more filings for state violations than for city ordinance offenses.

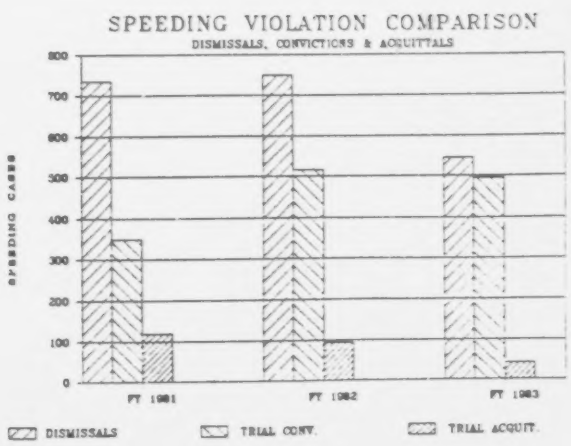


Chart 18. Speeding Violation Dismissals and Convictions

Other Developments During the Year

In addition to the items covered at the presiding judges meetings and the judicial conference during the year, the following should also be mentioned.

The Minnehaha County Magistrate Court, in conjunction with county government and the city of Sioux Falls, is preparing to move into the world of computerized records. Traffic citations issued for misdemeanor two and petty offense violations will be entered into the county computer system by the police department, providing basic misdemeanor two data for the clerk's offices. The Minnehaha County circuit court administrator, clerk's office and the State Court Administrator's staff have been working steadily during the year to implement the new automated system.

DWI cases in Sioux Falls are being expedited by the temporary assignment of judges from other circuits. The judges will handle court appearances for the number of violators in excess of those normally accommodated by the magistrate court.

Judicial Training was a subject of some concern to the court system during the year. With the reduction in federal funding for such training, there is a need for the courts to modify the training policy. A committee was formed by Chief Justice Fosheim, and chaired by Associate Justice Dunn, to study the matter. Their suggestions were presented to the judicial conference, which then made recommendations to the Supreme Court. The recommendations involve some policy guidelines that call for greater emphasis on in-state training, and the inclusion of all law-trained magistrates in the program.

Cameras in the Courtroom is another subject being studied by an advisory committee under the chairmanship of Justice Robert E. Morgan. The committee is considering the recommendation for a limited experiment in courtroom news coverage in 1984..

The Trial Information process, recommended as an alternative to the preliminary hearing in misdemeanor cases, received some additional attention from the state bar and the judicial conference. This process, by which the state makes full disclosure of evidence by affidavit of the arresting officer and other witnesses, could promote a substantial time saving in some misdemeanor cases.

A training institute for clerks of court was held in Spearfish. This is the second state-wide institute intended specifically to help the clerks improve procedures and to provide them an opportunity to discuss problem areas peculiar to the clerks' offices. Special emphasis was placed on a revised procedure for docketing civil case judgments using a card file in place of the traditional judgment docket book.

Clerk Fees, changed by statute after extensive discussion and recommendation by the Clerks Advisory Committee, went into effect in July, 1983

Revision of the Lay Magistrates' Manual was also begun this year, with the first meetings of an advisory committee for this purpose. Major modifications to the manual will be produced in 1984.